

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**AMBER BLACK and TABITHA SMITH,**  
individually and on behalf of all other  
similarly situated individuals,

*Plaintiffs,*

**V.**

**C3/CUSTOMERCONTACTCHANNELS,  
INC. and C3/CUSTOMERCONTACT  
CHANNELS HOLDINGS, INC.,**

***Defendants.***

**CIVIL ACTION NO.**  
**1:20-cv-00528-LY**

**JOINT MOTION FOR APPROVAL OF CONFIDENTIAL COLLECTIVE ACTION  
SETTLEMENT AGREEMENT AND RULE 41 DISMISSAL WITH PREJUDICE**

NOW COME Plaintiffs (including all persons who have filed consents to join this action) (collectively, “Plaintiffs”) and Defendants, (collectively, “the Parties”), who together move this Court for approval of a private settlement reached among them in connection with all issues raised in this lawsuit. There are *bona fide* disputes between the parties concerning the hours worked and pay received by the Plaintiffs, including in some instances overtime pay. The Parties have discussed these matters at length, and this settlement resolves all disputes and controversies that exist between and among them, both as to liability and amount, if any, of damages or for any other relief. No party or counsel is aware of anyone other than those who are participating in the proposed settlement who is relying upon the parties to protect their FLSA or other interests. While Defendants have denied all claims and liability alleged, the Parties desire to compromise and fully and finally settle all claims made herein without incurring significant additional time and the expense associated with continuing litigation.

Accordingly, the Parties announce that subject to court approval, they now jointly move the Court for prejudicial dismissal of all claims by all parties as set forth within the separately-filed (under seal) Confidential Settlement Agreement (the “Agreement”). As part of facilitating settlement, the Parties will waive the requirement of arbitrating this case pursuant to the Court’s earlier order, Doc. No. 27, and agree that if the settlement is approved and the case is dismissed, that order may now be found to be moot.

The Agreement is a fair and reasonable resolution of the Parties’ disputes as to claimed FLSA liability and damages. Further, the FLSA settlement fund substantially compensates Plaintiffs for their alleged unpaid wages. In addition, the Parties request that this Court approve Plaintiffs’ reasonable attorneys’ fees and case expenses, per the terms set forth in the confidential settlement agreement.

WHEREFORE, based upon the above, the Parties respectfully request that this Court approve the confidential settlement agreement, enter the Proposed Order, and dismiss this case in its entirety with prejudice.

Date: July 15, 2021

Respectfully submitted,

By: /s/ Trenton R. Kashima

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 16, 2021, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Michael V. Abcarian

Michael V. Abcarian